

AFTER ACTION AGENDA

REGULAR CITY COMMISSION MEETING

MONDAY, AUGUST 6, 2012

6:30 P.M.

DELTONA COMMISSION CHAMBERS

2345 PROVIDENCE BLVD.

DELTONA, FLORIDA

AGENDA

1. **CALL TO ORDER**
2. **ROLL CALL - CITY CLERK**
3. **INVOCATION AND PLEDGE TO THE FLAG:**
 - A. **Invocation Presented by Commissioner Denizac – Pastor William L. Bradley from New Hope Baptist Church in Deltona.**
4. **APPROVAL OF MINUTES & AGENDA:**
 - A. **Minutes:**

**Special City Commission Meeting – July 16, 2012 &
Regular City Commission Meeting – July 16, 2012.**

The Commission voted unanimously to approve the minutes of the Special and Regular City Commission Meetings of July 16, 2012.
 - B. **Additions or Deletions to Agenda.**
5. **PRESENTATIONS/AWARDS/REPORTS:**
 - A. **Presentation by Ed Noseworthy, President and CEO of Florida Hospital Fish Memorial in Orange City.**
 - B. **Presentation – Quarterly Board Reports of City Advisory Boards/Committees.**

**6. PUBLIC FORUM – Citizen comments for any items.
(4 minute maximum length)**

CONSENT All items marked with an * will be considered by one motion unless removed
AGENDA: from the Consent Agenda by a member of the City Commission.

7. CONSENT AGENDA:

*** A. Request for Waiver of Fees SE 012-009, for National Kids Day – Deltona against Bullying.**

Nick Pizza, representing Deltona Against Bullying is a Fictitious Name registered with the Department of State of Florida, 501 (C) (3) is requesting use of the Dewey Boster Sports Complex on Saturday, September 15, 2012 from 11:00 AM - 8:00 PM to host an event in conjunction with National Kids Day to teach kids how to interact/stop bullying. Mr. Pizza is requesting a waiver of all fees associated with this event. The event is called: "National Kids Day Celebrating Bully Proofing Deltona". The costs for this event are as follows:

*Public Works - \$1,470.00
Fire Department - \$2,250.00
Parks and Recreation - \$860.00
Volusia County Sheriff's Office - \$360.00
Building and Code - \$200.00*

Total - \$5,105.00

Approved by Consent Agenda to authorize staff to waive the fees in the amount of \$5,105.00 associated with the National Kids Day - Deltona Against Bullying Event scheduled for September 15th.

*** B. Request for approval of 2012-2013 Law Enforcement Services Agreement.**

This Agreement is to authorize the County of Volusia to continue to provide law enforcement services and equipment to the City of Deltona for fiscal year 2012-2013, for the sum of \$9,249,300. The Agreement provides for 76 sworn personnel inclusive of supervisors as full staffing, plus three (3) unsworn office workers. As reported previously, the contract cost is based on the new hourly rate of \$53.76 which equates to an increase of \$202,100. This 2.5% increase is attributable per VEX staff to fuel increases and a 3.5% pay adjustment that was approved in January County-wide for their employees including Sheriff's Office employees.

The contract cost for FY 11/12 was \$9,047,200 and for FY 12/13 is \$9,249,300 plus an additional \$20,500 for the addition of one K-9 unit (\$16,500 for the dog, training and equipment, and \$4,000 for upkeep expenses for the dog for the year). A memo or letter of understanding will be prepared to cover the cost of the additional K-9 unit as approved during the Commission's budget workshop, rather than as an amendment to the contract.

Approved by Consent Agenda to authorize the Mayor and City Manager to execute the Law Enforcement Services Agreement for fiscal year 2012-2013 in the amount of \$9,249,300.

8. ORDINANCES AND -PUBLIC HEARINGS:

A. Public Hearing - Ordinance No. 12-2012, Pine Ridge Fellowship Small Scale Future Land Use Map Amendment for first reading, and to schedule second and final reading.

The City of Deltona received an application from Pine Ridge Fellowship Church (the applicant) to amend the City's Future Land Use Map by changing three (3) contiguous parcels totaling ±4.68 acres from Low Density Residential (LDR) to Commercial (C). The existing Future Land Use Map designation for the subject sites is Low Density Residential (LDR) that allows for a density of up to six (6) units per acre. The applicant recently subdivided the three (3) subject parcels from the roughly 25-acre parent tract and is requesting to change the entitlements for those properties through a future land use map and zoning amendment.

The Commercial future land use designation would allow the parcels to be rezoned and the applicant has applied for zoning amendment from RE-1 to C-1 in conjunction with this amendment. Land uses allowed within the C-1 zoning district are neighborhood-oriented and are intended to serve residential areas with a range of supporting goods and services. Permitted activities within C-1 include a list of retail uses, such as car washes, grocery stores, convenience stores, and service activities. The C-1 zoning designation allows ample commercial opportunity, but the uses tend not to be as intensive as commercial uses permitted within the C- 2 or C-3 zoning districts.

The City is underserved by commercial uses and the proposed amendment will foster greater commercial opportunity and potential employment within the City. Greater commercial opportunity will also help address the 93 City's over-reliance on a residential-dominated tax base. Promoting more commercial development and tax base diversification are long standing economic development goals within the City. Finally, the proposed amendment is consistent with the City's Comprehensive Plan and can be served by existing public infrastructure. Volusia County has plans to widen Howland Boulevard from two to four lanes directly adjacent to the subject sites, thereby adding roadway capacity to the regional roadway network and benefiting the parcels upon their development in the future.

Finally, the Planning and Zoning Board met on July 18, 2012 to review the proposed application. A quorum of four (4) members was in attendance with five (5) of seven (7) members present. A vote was taken that did not achieve a quorum, per Section 110-1201 of the City's Code of Ordinances. Section 110-1201, Rules and procedure, states, "No recommendations for approval of any application shall be made unless four members concur." Based on that requirement, this application is being forwarded to the City Commission for their review and decision without a recommendation for approval from the Planning and Zoning Board.

The Commission voted unanimously to approve Ordinance No. 12-2012, Pine Ridge Fellowship Church Small Scale Future Land Use Map Amendment at first reading and to schedule second and final reading for September 17, 2012.

B. Public Hearing - Ordinance No. 15-2012, Amending and revising Chapter 50, Solid Waste, at second and final reading.

Staff has determined that there is a need to revise procedures related to solid waste due to terms and conditions in the new Solid Waste Collection Agreement as approved on December 13, 2011. The size of the containers that will be provided by the waste contractor has increased resulting in a change. Additionally, due to citizen complaints staff is recommending a change on placement and storage of the cans.

The proposed ordinance is provided in a strike-out, underscore format and is intended to formally amend and revise sections of Chapter 50. This ordinance was "tabled time certain" at the Regular City Commission Meeting of Monday, July 16, 2012. The City Attorney has revised the language in Section 50-28 to address concerns expressed by the Commission during the July 16th meeting.

The Commission voted unanimously to adopt Ordinance No. 15-2012 to revise Section 50-3, 50-4 and 50-28, of Chapter 50, "Solid Waste" of the City's Code of Ordinances with additional language (requested by Commissioner Zischkau) at second and final reading.

C. Public Hearing - Ordinance No. 16-2012, Adding Section 2-115, "Accrual of lien after foreclosure," to Chapter 2 "Administration," Article II, "Code Enforcement," Division 2, "Code Enforcement Board and Special Master Procedure," Subdivision III, "Enforcement Procedure," of the Code of Ordinances, at second and final reading.

The proposed Ordinance addresses an issue that was raised at a recent meeting regarding a code enforcement lien continuing to accrue after a foreclosure sale and the violator no longer has possession so he cannot remedy the violation.

The Commission voted unanimously to approve Ordinance No. 16-2012 at second and final reading.

D. Public Hearing – Resolution No. 2012-21, Community Development Block Grant (CDBG) Annual Action Plan Program Year 2012-2013.

The City of Deltona receives Community Development Block Grant Funds (CDBG) from the U. S. Department of Housing and Urban Development (HUD) for the implementation of eligible activities within the community which have been identified as priorities based on public input. These priorities have been compiled and listed in the City of Deltona's Five Year Consolidated Plan, a strategic planning document segmented into annual objectives. The City is in the fifth year of a five year Action Plan and this budget reflects that period. The City will begin preparing for a new Five-Year Consolidated Plan following this fiscal Year.

The City is eligible to receive a formula-based grant in the amount of \$441,819 for Program Year 2012-13. In order to receive the allocation, the City is required to develop an Annual Action Plan (AAP) and submit to HUD a list of projects to be undertaken during the new fiscal year. The deadline to submit this document is August 16, 2012.

In accordance with program requirements, the City advertised the Notice of Funding Availability (NOFA) on March 14, 2012 to provide organizations proposing public services in Deltona an opportunity to apply for funds. Upon receipt of applications for funding, the proposed projects were ranked for conformity to the programs' national objectives, one of which is for activities to principally benefit low income persons. Recommendations for funding were made based on the rankings of proposals received. The budget was created and appropriate advertisements posted. Two public hearings were held for citizen input regarding the expenditure of the proposed funds. Activities for the proposed 2012-2013 CDBG Annual Action Plan are included as Exhibit A: Table of Proposed Projects for PY 2012-2013.

The Commission voted unanimously to approve Resolution No. 2012-21, the Community Development Block Grant Annual Action Plan for PY 2012-2013, for submittal to HUD.

E. Public Hearing – Final Site Plan (FSP12-005) for a Dunkin Donuts Retail Center.

The subject property consists of ±1.38 acres and is currently vacant/undeveloped. A power line easement extends along the northern and eastern sides of the property. The applicant is requesting Conceptual Site Plan/Final Site Plan (FSP12-005) approval to allow for a Dunkin Donuts with limited seating, a drive-through facility, and associated retail space.

The subject property was rezoned through the adoption of Ordinance No. 05-2012 by the City Commission on May 7, 2012 from Professional Business (PB) to Retail Commercial (C-1) to allow the proposed development as a Permitted Use. The C-1 zoning district is a transitional zoning classification that is between nonresidential uses along intensive roadways (i.e. arterials and collectors) and residential uses; which this site qualifies. Uses allowed within the C-1 zoning district are neighborhood-oriented and are intended to serve residential areas with a wide range of supporting goods and services in close proximity to home. The proposed Dunkin Donuts and accompanying potential retail exemplify neighborhood oriented commercial uses.

The City is underserved by commercial uses and the proposed Dunkin Donuts and associated retail space will foster greater commercial opportunity within the City. Greater commercial opportunity will provide more employment opportunities to Deltona residents and will also help mitigate some of the City's reliance on a residential-dominated tax base. Promoting more commercial development and tax base diversification make the City more economically sustainable and meets long-standing economic development goals within the City. In the case of this Final Site Plan application, the City's economic goals will be furthered with land use compatibility. The proposed Final Site Plan is also consistent with the City's Comprehensive Plan and can be served by existing public infrastructure.

Finally, because the site was formerly approved for an office use, the Developer's Agreement approved for that use was amended to accommodate the proposed commercial use. The amended Developer's Agreement relocates a required cross-access easement, continues to provide for a sidewalk connection into the adjacent neighborhood to the north for improved pedestrian safety, and removes a potential screen-wall in lieu of a landscape screen hedge for more aesthetic compatibility with the residential uses to the north.

This site plan will need to include the correct location of the Knox Box, as approved by the fire safety division, and provide the correct fire flow test data.

The Commission voted unanimously to approve FSP12-005, Conceptual Site Plan/Final Site Plan and Amended and Restated Developers Agreement, for the Dunkin Donuts Retail Center located at 3140 Howland Boulevard at the northwest corner of Howland Boulevard and Roseapple Drive.

9. OLD BUSINESS:

10. NEW BUSINESS:

- A. Consideration of appointment of one (1) member to the Economic Development Advisory Board (Commissioner Herzberg's appointment).**

Board member Franklin Welch has resigned from the Economic Development Advisory Board effective as of July 23, 2012. Mr. Welch's term was scheduled to expire on May 31, 2013.

The City has run press releases, posted the opening on DTV and the City's web page, and on bulletin boards throughout the City parks. To date the City has received applications from the following interested individuals: Joe Miller, Penny Musick, Dustin Oehler, Brian Javier Rico, Alvester Samuel and Kurt Wetterman.

The Commission voted unanimously to confirm the appointment of Dustin Oehler for the remainder of the term to expire on May 31, 2013 (Commissioner Herzberg's appointment) to the Economic Development Advisory Board.

B. Request for approval of firms for Bond Disclosure and Counsel Services.

Staff solicited proposals from qualified law firms interested in serving as bond counsel or disclosure counsel to the City as needed for an initial three year period with the option to renew for two additional one year periods. The City plans to engage separate firms to perform bond counsel and disclosure counsel services. There is no guarantee of work to any firm.

Should Bond financing be chosen as the appropriate funding mechanism in connection with the upcoming swaption exercise, Bond Counsel will work with the City Attorney's Office, Deltona Water, the Finance Department, the Financial Advisor, and other appropriate parties for the completion of the bond issuance including such services as may be called upon to finance or refinance costs in connection with the exercise of the swaption agreement as well as any construction and acquisition of future capital projects within the City.

As needed Disclosure Counsel will furnish legal services and related work as required for the issuance of the Bonds. Counsel will provide consultation and advice on disclosure issues and prepare all disclosure documents as required by The City and other parties to the transaction for the placement of the bonds.

Seven firms responded to the Request for Proposals. Proposals were evaluated by a Selection Committee. Selection Committee Members were: Dave Denny, Robert Clinger and Becky Vose. After a complete review of proposals received, the Committee met. Scores were combined to come up with the three highest scoring firms as follows:

*Greenberg Traurig
Akerman Senterfit
Broad & Cassel*

The Selection Committee agreed that they did not need to interview the firms and that these firms were all highly qualified to perform the work.

The Commission voted unanimously to enter into an agreement with the three highest scoring firms to be used as needed for bond and disclosure counsel services for an initial three year period with the option to renew for two additional one year periods within the budgeted amount for each fiscal year.

11. CITY COMMISSION COMMENTS:

12. CITY ATTORNEY COMMENTS:

13. CITY MANAGER COMMENTS:

14. ADJOURNMENT:

NOTE: If any person decides to appeal any decision made by the City Commission with respect to any matter considered at this meeting or hearing, he/she will need a record of the proceedings, and for such purpose he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based (F.S. 286.0105).

Individuals with disabilities needing assistance to participate in any of these proceedings should contact the City Clerk at least three (3) working days in advance of the meeting date and time at (386) 878-8100.